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SERIAL NO.: 10/005,083
DOCKET NO.: O01-035A
FILED: DECEMBER 4, 2001
TITLE: SPINDLE SLEEVE WITH TRANSPONDER

RESPONSE TO: OFFICE ACTION MAILED NOVEMBER 25, 2003

ATTACHMENTS INCLUDE: AMENDMENT – 3 PAGES

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I hereby certify that this correspondence is being filed by fax transmission to 703.308.7722, Commissioner for Patents, Alexandria, VA 22313 on January 30, 2004
For: The Gates Corporation
Signature Margo Tallo Date signed: January 30, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	SCHWANDER, Frank	Examiner: Kim, Ahshik
Serial No.	10/005,083	Art Unit: 2876
Filed:	12/4/2001	AMENDMENT
For:	Spindle Sleeve with Transponder	

Via Fax: 703.308.7722
Commissioner for Patents
Art Unit 2876
Alexandria, VA 22313

Dear Examiner Kim:

This amendment is responsive to the non-final office action mailed 11/25/03. The allowable subject matter, namely claims 10-15 and 19, is appreciated by Applicant. No amendments are submitted in this response. The following argument is submitted for the Examiner's consideration in response to the following rejection entered in the office action.

1. Claims 1-9, 16-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Aslam et al. (US 6,393,249).

Applicant appreciates the Examiner's statement on page 4 paragraph 7 of the office action regarding the apparent teaching of Aslam. However, Applicant believes that Aslam does not anticipate the noted claims.

Aslam et al. teaches a conformable roller for use in a fusing station of an electrostatographic machine, the fusing station being provided with a pressure roller and a fuser roller for fusing a toner image on a receiver. The portion of interest in Aslam concerns a sleeve 902 and descriptive indicia 903 on the sleeve. Taken in total Aslam only discloses a sleeve having a physical indicia such as a bar code which is read by an indicia reader, for example, a bar code reader. No teaching is made of a transponder circuit or system.

In particular, Applicant respectfully disagrees with the Examiner's characterization of the disclosure at col. 37, line 47 to col. 38, line 34, namely, 903, 903', 903'' , 903''', 903'''', 953', 953'',

953''', 953'''', 953''''', 953'''''' (collectively "areas") cited as teaching a transponder circuit. This conclusion is not supported by the cited specification. The noted areas are apparently regions on a sleeve 902 or sleeve 953 for receiving an indicia, col. 38, lines 12-15. The indicia (col. 37, lines 56-64) are described as a set of physical alterations of a sleeve consisting of "descriptive markings", col. 38, line 1. The descriptive markings are only enabled in the specification as a bar code 904, col. 38, lines 15-20, or as symbols, ordinary words, each being possibly color coded, col. 38, lines 58-61. The specification indicates that the bar code is read by an indicia detector 905, see Fig. 18. It does not appear that a transponder in the sleeve is taught.

The specification supports this conclusion, namely;

> "It will be evident that the indicia according to the invention are distinguished from information stored electronically as described by M. E. Beard et al., in U.S. Pat. No. 6,016,409, which discloses a module that includes an electronically-readable memory whereby the control system of the printing apparatus reads out codes from the electronically readable memory. ***According to the present invention, an indicia comprises a physical alteration of a surface of a sleeve member or a core member, e.g., of a roller 900 or a roller 950, and does not comprise electronic information as such***, even though after detection by the indicia detector 905 the detected information may be subsequently converted to electronic form, e.g., in a computer." Aslam col. 40, lines 15-27.

If the reference admits that it does not teach indicia consisting of electronic information then it cannot teach the means of transmitting or receiving such electronic information by transponder. Therefore, the reference to "radio frequency" at col. 38, lines 34 does not teach one skilled in the art a transponder as claimed. In this regard, no other information is included with the words "radio frequency". No teaching is included with "radio frequency" about a transmitter, a receiver, a location for a transmitter or receiver, or of the nature of the radio frequency. A manner of mounting the undisclosed transponder to the sleeve is not taught. Lastly, based on the foregoing the Aslam disclosure cannot teach a radio frequency "tag" as suggested in the office action. The term "radio frequency" can only be interpreted in terms of reading a physical indicia such as a bar code. Applicant respectfully asserts that it cannot be reasonably interpreted in terms of electronically communicating with a transponder.

Claims 2-6 depend directly or ultimately from claim 1.

As to claim 7 and 16 for the reasons argued for claim 1 Aslam does not teach use of an electronic data logger or electronic data logging device disposed in the sleeve as claimed. Claims 8 and 9 depend directly or ultimately from claim 7. Claims 17-18 and 20 depend directly or ultimately from claim 16.

Applicant respectfully requests withdrawal of this rejection as to all claims.

With respect to Epstein, Applicant respectfully reasserts its arguments as to claims 1 and 7 in its response dated August 22, 2003.

V. Fees.

Any fees payable for this amendment and petition for extension of time may be deducted from deposit account 07-0475 in the name of the Gates Corporation.

Thank you for your attention to this case. If any questions arise, please call at the number below.

Sincerely,

Date: Jan. 30, 2004

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